



## REDUCE AWARD FOR LOSS OF LEG

**Appeal Court Decides Doctor  
Liable for \$2,000, Instead  
of \$7,000**

Damages allowed for the loss of leg, through alleged negligence and malpractice, were reduced in the case of Bullock vs. Dr. A. H. Boudreault by judgment of the Appeal Court, delivered on Saturday. At the trial in the Superior Court, the plaintiff, Mr. Justice Clarke, with considerable hesitation, agreed with the result of the trial. The Appeal Court, however, in a judgment, agreed with the plaintiff's contention that the damages should be reduced. The Appeal Court, by a majority of three judges, decided that the plaintiff's leg is longer than it is, and reduced the amount of the general damages to \$3,000.

Mr. Justice Clarke, in his judgment, said that while he agrees that the doubt expressed by the learned trial judge

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to the injury being the result of negligence. The evidence is evidence to support the trial court's conclusion and he cannot find any sufficient reason to believe it is wrong. The trial judge accepted the defense's contention, however, that the evidence of the doctor's negligence was not sufficient to establish the defendant's negligence. The court, however, concluded that the details were more fully explained by the doctor than by the plaintiff. The judge found there was negligence in the treatment of the plaintiff in the Hyndman state while he is not quite ready to reach such conclusion.

The defense claimed that the care was not exercised by the doctor in the same manner as it would be if he finds the amount excessive and reduces it accordingly, being of the opinion that the plaintiff's claim was merely accelerated the disease.

Mr. Justice Clarke, with considerable hesitation, agrees with the result of the trial court. The Appeal Court, however, by a majority of three judges, has decided that the trial court's decision is incorrect but reduces the amount of the general damages to \$3,000.

Mr. Justice Pritchard, in his dissenting opinion, says that while he agrees that the doubt expressed by the learned trial judge

is well founded,

the judgment of the court is

not correct.

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## REDUCE AWARD FOR LOSS OF LEG

Appeal Court Decides Doctor Liable for \$2,000, Instead of \$3,000

Damage allowed for the loss of a leg through alleged negligence, and maximum compensation liability were reduced in the case of Bulle v. Dr. D. E. D. and B. C. Railway. The Appeal Court had found the trial in the Supreme Court of Alberta that the first instance gave judgment for \$3,000, which was the maximum for hospital and doctor bills. The Appeal Court, by a majority, ruled that Dr. D. E. D. and B. C. Railway is liable but reduced the amount to \$2,000.

Mr. Justice H. Paries, who wrote

the judgment of the majority, says

that while he shares the doubt ex-

pressed by the learned trial judge

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## \$15,000 AWARD IS SET ASIDE

Appeal Court Disallows Judgment Against E. D. and B. C. Railway

In the judgment being the result of the negligence, he ordered the trial court to support the trial court's finding that he had no sufficient reason to find that he was negligent in the case of the defendant, rather than the evidence of the defendant, but because he had to the plaintiff. While the trial court found there was negligence in the case of the defendant, he was rather impressed that greater care was not exercised by the doctor in the case of the plaintiff, and he found the amount excessive and the amount of damages to be paid to the plaintiff.

Justice Justice Clarke, with Mr. Justice Clarke, with considerable difficulty, reached a dissenting opinion. In dissenting, Mr. Justice Clarke says that in his opinion it is difficult to see how the trial court could have been justified in awarding damages to the plaintiff, who was not negligent in the case of the plaintiff.

The \$15,000 award made last spring by a jury at the trial of the case of the plaintiff against the E. D. and B. C. Railway, has been set aside by the Appeal Court, which handed down its decision on Saturday.

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TUESDAY, NOVEMBER 11, 1924

**THE BOARD OF TRADE.**

The Edmonton Board of Trade has completed its thirty-sixth year, and is still going strong. It is a far cry from the days of the frontier trading post when the Board was organized to the present. In the development which has transformed the pioneer settlement into a modern and ambitious city the organization has played a consistently vigorous and helpful part. It will be heartily alive to the interests of the business, and to the expansion of the business, over upon which the city lives. The past year has been one of active effort along many lines, with a fair measure of achievement to show for it. And the Board is facing the coming year with assurance and hopes of even greater results.

**ARMISTICE DAY.**

Officially Canadians commemorate the signing of the armistice on November 11, 1918, as the day of remembrance of the sacrifices by which we are today having two holidays in one week, or so close together as to cause an unusual disturbance of business. But the public can never forget, and on November 11, 1924, the 16th as the day when the armistice was drawn straight to a close. In many thousands of Canadian homes its dawn awakens memories of men who gave all that a man can give that right and freedom and liberty and freedom should still be free. And in hundreds of thousands of other homes it stirs recollections of the glad news which ran along the cables six years ago and brought relief from a heart-breaking stress of war and death. No better day can mark the significant date which attaches to this one, and neither Act of Parliament nor public ceremonial can transfer its meaning to another. There are few Canadians whose thoughts will not turn today to these quiet days of France and Belgium when there sleep the men who were heroes and sacrifice made peace possible. Few also, it may be hoped, will not feel a new interest in those of their comrades who came back from the war with a changed attitude of life. There is no better way to pay tribute to our heroic dead than to do something to make easier the way of one who fought and suffered with them, and who now finds his pathway one of difficulties.

**HIGH RATES AND LOW COSTS.**

Figures put before the Railway Commission at Vancouver show that the railway is very little related between freight rates and cost of railway operation, taking no account of the country with another. Statistics compiled by the railway express even prove that in 1922 rates were higher in western provinces where operating costs were low. The cost of running the lines not only did not increase to be taken into account in balancing freight tariffs on western lines against those on eastern lines. But that should surely be one of the most important factors in the cost of living. Alberta farmers cannot afford to pay excessive rates on grain shipped to the Pacific coast or on supplies brought in, in order to make up losses which the railways incur by charging lower rates elsewhere where the costs are greater. And that seems to be what the Alberta farmer is doing and has been doing. That amounts to the same thing as though the Alberta farmer were required to pay part of the cost of living in Quebec, Ontario or the Maritimes to the farmer in the West who can attain prosperity under those conditions, or should be expected to. The West has quite all it can do to carry its own railway burden. A bunch of men in the West are as much to Edmonton, under famine conditions, as a bunch of green a few hundred miles from the Atlantic port. That is a handicap imposed upon the Alberta grower by geography. The railways have not allowed any building of traffic rates. Every Alberta farmer has not noticed that the sides of provinces pay part of the cost of getting his grain to market, or of getting his other goods which he imports. All the same, the sides of the West are not made to pay more than the charges which will fairly represent the proper share of the gross cost of keeping the railways in operation. Quite obviously this is not the case. The cost of a deal when his rates are in line with the cost of operating the roads as compared with rates and costs in eastern parts of the Dominion.

**JAP NOBLE IN MOVIES.**

TOKYO, Japan.—Hirahara has taken the top step. The young Ishibashi, third son of the young Ishibashi, has come to his own. The man of luxury and ease to enter the movie field. He has come to be the man's "Hollywood" to become the Redskin Valentine of his country. He will be cast in romantic roles.

**TAX GATHERERS CONVERGE.**

The eyes of a good many people will be turned longingly, if not altogether hopefully, toward the winter months. Representatives of all the provincial governments, and of the Dominion, are gathered at the Federal capital to discuss the question of taxation and who is to apply it. Hitherto getting money out of the public has been a kind of a game, but now it is to be a means which are available, or seemed to be, with not too much consideration as to whether they should be used. The result of the result has been agreeable, sometimes indubious and occasionally lamentable. The Dominion Government collects income taxes. The provinces would like to make a grab at them, but the world is not. And in one way or another, both have done it, sometimes with the result that the prospective paper has had to go to court to protect himself against too much attention of the same kind. Some of the provinces have succeeded in collecting tax on the products of other provinces that could scarcely be distinguished from a customer's duty. And generally the municipalities have had reason to complain that they are allowed to collect taxes on the property of non-residents without thought being given to the fact that the property is not their property.

It is high time that the taxing powers got together and arranged among themselves how they are going to divide the spoils. The more so as a strong pronounced objection to holding taxes so often, and particularly against being "touched" in the same way by more than one of them. It may make little or no difference to his bank account whether the individual is taxed by one or two bodies, or whether each comes at him by a different route. But it does make a difference to his feelings. He resents being "taxed" twice in the same way by different bodies. All the blower on the same place, the same place where he carries his purse, he likes to have the assessments adapt different tactics. Politically it is not safe to superimpose a provincial or a municipal income tax upon the Federal income tax, but it is not safe to do it.

Douglas Baynes, the strong-willed and popular member for Edmonton, has been a consistent and uncompromising champion of the right to tax on the same place. The same way by different bodies. All the blower on the same place, the same place where he carries his purse, he likes to have the assessments adapt different tactics. Politically it is not safe to superimpose a provincial or a municipal income tax upon the Federal income tax, but it is not safe to do it.

"The copy was found in your pocket. That doesn't prove the original is there. That proves that it may be," said Dr. Finley watched closely the changing countenance of his patient.

"May be a love lay off," Gannon said.

He puffed Finley, and Goddard too, was at a loss just how to take it.

"But as if by an inspiration, Finley said, "I can tell you, of course, that we can get all necessary information from the police."

"Peter," Gannon's face fell. "You don't know where he is."

"I don't."

"Do you know where Peters is?"

"Do. Now, here's your Goddard."

"Do you want to come clean about it?" Finley said, "I'm not going to bring him over the top."

The young man considered.

"I could prove up that my man is dead," he said.

"And of course, that's the truth."

"The police will be here to get any more information from him."

Detective Dobbin had a long session with Doctor Gannon.

"I have to admit that when there had been occasions when he had been unconscious when he was layed in morphine, but he had never seen such definite evidence of it," Dobbin said.

"Only a general way,"

"I'm not sure,"

# Moose Jaw Juniors Defeat Calgary Club by Default

## Touchdown Is Given

Cowtown Manager, C. H. Livingston, Orders Team Off the Field

## MILL CITY OFFICIALS IN CHARGE OF GAME

Dispute Starts When Calgary Man Attacks Opponent Too Quickly, Says Official

MOOSE JAW, Sask., Nov. 10.—The Moose Jaw went into the final of the Western Canada Junior Rugby Series this morning, but were defeated over the Calgary club.

The game was in progress when a dispute over the crease of neither with the referee, and the end of the game was delayed.

The Calgarians put in the third quarter and were leading by a choice of two. Moose Jaw officials in charge of the game, however, called a tie at the time, 8 to 8, but Moose Jaw was ordered to continue play and was given a chance to score a try in the time remaining.

With the tie, the game was over.

Bound Ball Causes Dispute

The particular ruling which caused the dispute was that the ball must be passed to a player in the field.

Calgary had kicked and passed the ball as it rolled down the field. He then picked it up and passed it again.

Just after he made the catch and the other officials were about to give a fair chance to receive the ball, he passed it to a player in the field.

After the officials looked the ball over, they still had the ball in their hands when the referee, who was the new champion, declared victory for Moose Jaw.

Calgary then left off by their captain.

Calgary Robbed

C. H. Livingston, manager of the visitors, declared that he was not satisfied for his team to continue under the circumstances, and the referee, who was the referee, was not given a fair chance to receive the ball.

Both teams played a good game, and were so evenly matched that the outcome was not known.

Despite the fact that it was played on a field, the two teams put up a worth-while exhibition. Both teams played a good game, and were so evenly matched that the outcome was not known.

England Wins From Ireland

England won the international amateur soccer match here Saturday by 3 to 2.

IRELAND, Nov. 10.—Canadian Captain C. H. Livingston, referee, in an international amateur soccer match here Saturday by 3 to 2.

The game attracted a crowd of 1,000.

The Irishmen started out aggressively and scored a goal in the first half.

England retaliated, Gibbons getting a goal in the second half.

The visitors still have a heavy fusilade several times.

Before half time, England had a goal in the second half.

Both teams were attacking vigor-

ously, the Irish who were attacking vigor-





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